

THE PARTIES

2. Answering paragraph 2, Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph and on that basis denies them.

3. Answering paragraph 3, admit that the County of Placer is a public entity. The remaining allegations consist solely of legal conclusions to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

4. Answering paragraph 4, admit.

8 5. Answering paragraph 5, admit that Stanislav Semenuk and Dustin Kimball were
9 Deputies employed by the Placer County Sheriff's Department at the time of the incident. The
10 remaining allegations consist solely of legal conclusions to which no response is required. To the
11 extent that any further response is required, Defendants deny such allegations.

6. Answering paragraph 6, admit.

13 7. Answering paragraph 7, Defendants lack sufficient knowledge or information to
14 form a belief as to the truth of the allegations in this paragraph and on that basis denies them.

JURISDICTION AND VENUE

8. Answering paragraph 8, admit jurisdiction.

9. Answering paragraph 9, admit venue is proper.

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF

19 10. Answering paragraph 10, deny that the event occurred in Placer County, but admit
20 the remainder of the allegations in this paragraph.

11. Answering paragraph 11, deny.

12. Answering paragraph 12, deny.

13. Answering paragraph 13, deny.

24 14. Answering paragraph 14, this paragraph consists solely of legal conclusions to
25 which no response is required. To the extent that any further response is required, Defendants deny
26 such allegations.

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1 15. Answering paragraph 15, this paragraph consists solely of legal conclusions to
2 which no response is required. To the extent that any further response is required, Defendants deny
3 such allegations.

4 || 16. Answering paragraph 16, admit.

5 17. Answering paragraph 17, deny.

6 18. Answering paragraph 18, Defendants lack sufficient knowledge or information to
7 form a belief as to the truth of the allegations in this paragraph and on that basis denies them.

FIRST CLAIM FOR RELIEF

Fourth Amendment – Excessive Force (42 U.S.C. § 1983)

By Plaintiff Evgeniy Gubanov Against All Defendants Save County

11 19. Answering paragraph 19, the allegations contained in ¶ 19 are for pleading purposes
12 to which no response is required.

13 20. Answering paragraph 20, the allegations contained in ¶ 20 are legal conclusions
14 and arguments to which no response is required. To the extent that any further response is required,
15 Defendants deny such allegations.

16 21. Answering paragraph 21, the allegations contained in ¶ 21 are legal conclusions
17 and arguments to which no response is required. To the extent that any further response is required,
18 Defendants deny such allegations.

19 22. Answering paragraph 22, the allegations contained in ¶ 22 are legal conclusions
20 and arguments to which no response is required. To the extent that any further response is required,
21 Defendants deny such allegations.

22 23. Answering paragraph 23, the allegations contained in ¶ 23 are legal conclusions
23 and arguments to which no response is required. To the extent that any further response is required,
24 Defendants deny such allegations.

24. Answering paragraph 24, the allegations contained in ¶ 24 are legal conclusions
and arguments to which no response is required. To the extent that any further response is required,
Defendants deny such allegations.

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1 25. Answering paragraph 25, the allegations contained in ¶ 25 are legal conclusions
2 and arguments to which no response is required. To the extent that any further response is required,
3 Defendants deny such allegations.

4 26. Answering paragraph 26, the allegations contained in ¶ 26 are legal conclusions
5 and arguments to which no response is required. To the extent that any further response is required,
6 Defendants deny such allegations.

7 27. Answering paragraph 27, the allegations contained in ¶ 27 are legal conclusions
8 and arguments to which no response is required. To the extent that any further response is required,
9 Defendants deny such allegations.

10 28. Answering paragraph 28, the allegations contained in ¶ 28 are legal conclusions
11 and arguments to which no response is required. To the extent that any further response is required,
12 Defendants deny such allegations.

13 29. Answering paragraph 29, the allegations contained in ¶ 29 are legal conclusions
14 and arguments to which no response is required. To the extent that any further response is required,
15 Defendants deny such allegations.

SECOND CLAIM FOR RELIEF

Municipal Liability – Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)

By Plaintiff Evgeniy Gubanov Against County

19 30. Answering paragraph 30, these allegations are not directed toward these answering
20 Defendants, and therefore no response is required. To the extent a response is required, the
21 allegations contained in ¶ 30 are legal conclusions and arguments to which no response is required.
22 To the extent that any further response is required, Defendants deny such allegations.

31. Answering paragraph 31, these allegations are not directed toward these answering
Defendants, and therefore no response is required. To the extent a response is required, the
allegations contained in ¶ 31 are legal conclusions and arguments to which no response is required.
To the extent that any further response is required, Defendants deny such allegations.

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1 32. Answering paragraph 32, these allegations are not directed toward these answering
2 Defendants, and therefore no response is required. To the extent a response is required, the
3 allegations contained in ¶ 32 are legal conclusions and arguments to which no response is required.
4 To the extent that any further response is required, Defendants deny such allegations.

5 33. Answering paragraph 33, these allegations are not directed toward these answering
6 Defendants, and therefore no response is required. To the extent a response is required, the
7 allegations contained in ¶ 33 are legal conclusions and arguments to which no response is required.
8 To the extent that any further response is required, Defendants deny such allegations.

9 34. Answering paragraph 34, these allegations are not directed toward these answering
10 Defendants, and therefore no response is required. To the extent a response is required, the
11 allegations contained in ¶ 34 are legal conclusions and arguments to which no response is required.
12 To the extent that any further response is required, Defendants deny such allegations.

13 35. Answering paragraph 35, these allegations are not directed toward these answering
14 Defendants, and therefore no response is required. To the extent a response is required, the
15 allegations contained in ¶ 35 are legal conclusions and arguments to which no response is required.
16 To the extent that any further response is required, Defendants deny such allegations.

17 36. Answering paragraph 36, these allegations are not directed toward these answering
18 Defendants, and therefore no response is required. To the extent a response is required, the
19 allegations contained in ¶ 36 are legal conclusions and arguments to which no response is required.
20 To the extent that any further response is required, Defendants deny such allegations.

21 37. Answering paragraph 37, these allegations are not directed toward these answering
22 Defendants, and therefore no response is required. To the extent a response is required, the
23 allegations contained in ¶ 37 are legal conclusions and arguments to which no response is required.
24 To the extent that any further response is required, Defendants deny such allegations.

25 38. Answering paragraph 38, these allegations are not directed toward these answering
26 Defendants, and therefore no response is required. To the extent a response is required, the
27 allegations contained in ¶ 38 are legal conclusions and arguments to which no response is required.
28 To the extent that any further response is required, Defendants deny such allegations.

1 39. Answering paragraph 39, these allegations are not directed toward these answering
2 Defendants, and therefore no response is required. To the extent a response is required, the
3 allegations contained in ¶ 39 are legal conclusions and arguments to which no response is required.
4 To the extent that any further response is required, Defendants deny such allegations.

5 40. Answering paragraph 40, these allegations are not directed toward these answering
6 Defendants, and therefore no response is required. To the extent a response is required, the
7 allegations contained in ¶ 40 are legal conclusions and arguments to which no response is required.
8 To the extent that any further response is required, Defendants deny such allegations.

THIRD CLAIM FOR RELIEF

Municipal Liability for Failure to Train (42 U.S.C. § 1983)

By Plaintiff Evgeniy Gubanov Against County

12 41. Answering paragraph 41, these allegations are not directed toward these answering
13 Defendants, and therefore no response is required. To the extent a response is required, the
14 allegations contained in ¶ 41 are legal conclusions and arguments to which no response is required.
15 To the extent that any further response is required, Defendants deny such allegations.

16 42. Answering paragraph 42, these allegations are not directed toward these answering
17 Defendants, and therefore no response is required. To the extent a response is required, the
18 allegations contained in ¶ 42 are legal conclusions and arguments to which no response is required.
19 To the extent that any further response is required, Defendants deny such allegations.

20 43. Answering paragraph 43, these allegations are not directed toward these answering
21 Defendants, and therefore no response is required. To the extent a response is required, the
22 allegations contained in ¶ 43 are legal conclusions and arguments to which no response is required.
23 To the extent that any further response is required, Defendants deny such allegations.

24 44. Answering paragraph 44, these allegations are not directed toward these answering
25 Defendants, and therefore no response is required. To the extent a response is required, the
26 allegations contained in ¶ 44 are legal conclusions and arguments to which no response is required.
27 To the extent that any further response is required, Defendants deny such allegations.

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1 45. Answering paragraph 45, these allegations are not directed toward these answering
2 Defendants, and therefore no response is required. To the extent a response is required, the
3 allegations contained in ¶45 are legal conclusions and arguments to which no response is required.
4 To the extent that any further response is required, Defendants deny such allegations.

5 46. Answering paragraph 46, these allegations are not directed toward these answering
6 Defendants, and therefore no response is required. To the extent a response is required, the
7 allegations contained in ¶ 46 are legal conclusions and arguments to which no response is required.
8 To the extent that any further response is required, Defendants deny such allegations.

9 47. Answering paragraph 47, these allegations are not directed toward these answering
10 Defendants, and therefore no response is required. To the extent a response is required, the
11 allegations contained in ¶ 47 are legal conclusions and arguments to which no response is required.
12 To the extent that any further response is required, Defendants deny such allegations.

13 48. Answering paragraph 48, these allegations are not directed toward these answering
14 Defendants, and therefore no response is required. To the extent a response is required, the
15 allegations contained in ¶ 48 are legal conclusions and arguments to which no response is required.
16 To the extent that any further response is required, Defendants deny such allegations.

FOURTH CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

By Plaintiff Evgeniy Gubanov Against County

20 49. Answering paragraph 49, these allegations are not directed toward these answering
21 Defendants, and therefore no response is required. To the extent a response is required, the
22 allegations contained in ¶ 49 are legal conclusions and arguments to which no response is required.
23 To the extent that any further response is required, Defendants deny such allegations.

24 50. Answering paragraph 50, these allegations are not directed toward these answering
25 Defendants, and therefore no response is required. To the extent a response is required, the
26 allegations contained in ¶ 50 are legal conclusions and arguments to which no response is required.
27 To the extent that any further response is required, Defendants deny such allegations.

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1 51. Answering paragraph 51, these allegations are not directed toward these answering
2 Defendants, and therefore no response is required. To the extent a response is required, the
3 allegations contained in ¶ 51 are legal conclusions and arguments to which no response is required.
4 To the extent that any further response is required, Defendants deny such allegations.

5 52. Answering paragraph 52, these allegations are not directed toward these answering
6 Defendants, and therefore no response is required. To the extent a response is required, the
7 allegations contained in ¶ 52 are legal conclusions and arguments to which no response is required.
8 To the extent that any further response is required, Defendants deny such allegations.

9 53. Answering paragraph 53, these allegations are not directed toward these answering
10 Defendants, and therefore no response is required. To the extent a response is required, the
11 allegations contained in ¶ 53 are legal conclusions and arguments to which no response is required.
12 To the extent that any further response is required, Defendants deny such allegations.

13 54. Answering paragraph 54, these allegations are not directed toward these answering
14 Defendants, and therefore no response is required. To the extent a response is required, the
15 allegations contained in ¶ 54 are legal conclusions and arguments to which no response is required.
16 To the extent that any further response is required, Defendants deny such allegations.

17 55. Answering paragraph 55, these allegations are not directed toward these answering
18 Defendants, and therefore no response is required. To the extent a response is required, the
19 allegations contained in ¶ 55 are legal conclusions and arguments to which no response is required.
20 To the extent that any further response is required, Defendants deny such allegations.

21 56. Answering paragraph 56, these allegations are not directed toward these answering
22 Defendants, and therefore no response is required. To the extent a response is required, the
23 allegations contained in ¶ 56 are legal conclusions and arguments to which no response is required.
24 To the extent that any further response is required, Defendants deny such allegations.

25 57. Answering paragraph 57, these allegations are not directed toward these answering
26 Defendants, and therefore no response is required. To the extent a response is required, the
27 allegations contained in ¶ 57 are legal conclusions and arguments to which no response is required.
28 To the extent that any further response is required, Defendants deny such allegations.

FIFTH CLAIM FOR RELIEF

Battery (Cal. Govt. Code § 820 and California Common Law)

By Plaintiff Evgeniy Gubanov Against All Defendants

4 58. Answering paragraph 58, the allegations contained in ¶ 58 are legal conclusions
5 and arguments to which no response is required. To the extent that any further response is required,
6 Defendants deny such allegations.

7 59. Answering paragraph 59, the allegations contained in ¶ 59 are legal conclusions
8 and arguments to which no response is required. To the extent that any further response is required,
9 Defendants deny such allegations.

10 60. Answering paragraph 60, the allegations contained in ¶ 60 are legal conclusions
11 and arguments to which no response is required. To the extent that any further response is required,
12 Defendants deny such allegations.

13 61. Answering paragraph 61, the allegations contained in ¶ 61 are legal conclusions
14 and arguments to which no response is required. To the extent that any further response is required,
15 Defendants deny such allegations.

16 62. Answering paragraph 62, the allegations contained in ¶ 62 are legal conclusions
17 and arguments to which no response is required. To the extent that any further response is required,
18 Defendants deny such allegations.

19 63. Answering paragraph 63, the allegations contained in ¶ 63 are legal conclusions
20 and arguments to which no response is required. To the extent that any further response is required,
21 Defendants deny such allegations.

22 64. Answering paragraph 64, the allegations contained in ¶ 64 are legal conclusions
23 and arguments to which no response is required. To the extent that any further response is required,
24 Defendants deny such allegations.

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1 **SIXTH CLAIM FOR RELIEF**

2 **Negligence (Cal. Govt. Code § 820 and California Common Law)**

3 **By Plaintiff Evgeniy Gubanov Against All Defendants**

4 65. Answering paragraph 65, the allegations contained in ¶ 65 are legal conclusions
5 and arguments to which no response is required. To the extent that any further response is required,
6 Defendants deny such allegations.

7 66. Answering paragraph 66, the allegations contained in ¶ 66 are legal conclusions
8 and arguments to which no response is required. To the extent that any further response is required,
9 Defendants deny such allegations.

10 67. Answering paragraph 67, the allegations contained in ¶ 67 are legal conclusions
11 and arguments to which no response is required. To the extent that any further response is required,
12 Defendants deny such allegations.

13 68. Answering paragraph 68, the allegations contained in ¶ 68 are legal conclusions
14 and arguments to which no response is required. To the extent that any further response is required,
15 Defendants deny such allegations.

16 69. Answering paragraph 69, the allegations contained in ¶ 69 are legal conclusions
17 and arguments to which no response is required. To the extent that any further response is required,
18 Defendants deny such allegations.

19 70. Answering paragraph 70, the allegations contained in ¶ 70 are legal conclusions
20 and arguments to which no response is required. To the extent that any further response is required,
21 Defendants deny such allegations.

22 71. Answering paragraph 71, the allegations contained in ¶ 71 are legal conclusions
23 and arguments to which no response is required. To the extent that any further response is required,
24 Defendants deny such allegations.

25 72. Answering paragraph 72, the allegations contained in ¶ 72 are legal conclusions
26 and arguments to which no response is required. To the extent that any further response is required,
27 Defendants deny such allegations.

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73. Answering paragraph 73, the allegations contained in ¶ 73 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

SEVENTH CLAIM FOR RELIEF

Violation of Cal. Civil Code § 52.1

By Plaintiff Evgeniy Gubanov Against All Defendants

74. Answering paragraph 74, the allegations contained in ¶ 74 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

75. Answering paragraph 75, the allegations contained in ¶ 75 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

76. Answering paragraph 76, the allegations contained in ¶ 76 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

77. Answering paragraph 77, the allegations contained in ¶ 77 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

78. Answering paragraph 78, the allegations contained in ¶ 78 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

79. Answering paragraph 79, the allegations contained in ¶ 79 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

80. Answering paragraph 80, the allegations contained in ¶ 80 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

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81. Answering paragraph 81, the allegations contained in ¶ 81 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

82. Answering paragraph 82, the allegations contained in ¶ 82 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

83. Answering paragraph 83, the allegations contained in ¶ 83 are legal conclusions and arguments to which no response is required. To the extent that any further response is required, Defendants deny such allegations.

AFFIRMATIVE DEFENSES

Without admitting any allegations of the Complaint or assuming the burden of proof of any of the following claims, defenses, or issues, Defendants are informed and believe, and upon such information and belief alleges the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. Plaintiff fails to state facts sufficient to constitute a cause of action against Defendants.

SECOND AFFIRMATIVE DEFENSE

(Absolute/Qualified Immunity)

2. As a separate defense, Defendants are immune from any liability and protected against the burden of litigation under the doctrines of qualified immunity, absolute immunity, independent prosecutorial immunity, and/or common law immunities protecting peace officers, prosecutors, and/or public officials.

THIRD AFFIRMATIVE DEFENSE

(State Law Immunity)

3. As a separate defense, Defendants are immune from liability by virtue of the provisions of the California Government Code § 810 through 966.6, inclusive.

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FOURTH AFFIRMATIVE DEFENSE

(Good Faith)

4. As a separate defense, Defendants were at all relevant times acting in good faith, with reasonable and probable cause, and without malice.

FIFTH AFFIRMATIVE DEFENSE

(Collateral Estoppel/Res Judicata)

5. As a separate defense, the Complaint and each cause of action therein is barred by the doctrines of collateral estoppel and *res judicata*.

SIXTH AFFIRMATIVE DEFENSE

6. As a separate defense, the Complaint and each cause of action therein is barred by the doctrines of consent and waiver.

SEVENTH AFFIRMATIVE DEFENSE

(Unclean Hands)

7. As a separate defense, the Complaint and each cause of action therein is barred by the doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

(Laches)

8. As a separate defense, the Complaint and each cause of action therein is barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

(Comparative Fault)

9. As a separate defense, Plaintiff acted in a careless, reckless, wanton, and negligent manner in and about the matters alleged in the Complaint and such careless, reckless, wanton, and negligent conduct proximately contributed to the injuries and damages alleged in the Complaint.

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TENTH AFFIRMATIVE DEFENSE

(Apportionment of Damages)

10. As a separate defense, Defendants assert that if they are adjudged, decreed, or otherwise determined to be liable to Plaintiff, then in that event, Defendants will be entitled to apportion the degree of fault or responsibility for said incident attributable to the Plaintiff, third party, or any other individual named herein or yet to be named. The amount of damages attributable to Defendants is to be abated, reduced, or eliminated to the extent that the negligence of others contributed to the Plaintiff's claimed damages, if any there were.

ELEVENTH AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

11. As a separate defense, Plaintiff has failed, refused, or neglected to mitigate or avoid the damages complained of in the Complaint and is thereby barred, in whole or in part, from recovering damages from Defendants.

TWELFTH AFFIRMATIVE DEFENSE

(Set-Off)

12. As a separate defense, Defendants are entitled to an offset of any benefits Plaintiff receives or has received from the California Victim Compensation and Government Claims Board (Cal. Pen. Code § 4900, et seq.) or any other benefit plan or source related to the injuries or damages alleged in the Complaint against any award of damages to Plaintiff in this action.

THIRTEENTH AFFIRMATIVE DEFENSE

(Failure to Join Indispensable Parties)

13. As a separate defense, the Complaint and each cause of action therein is barred by Plaintiff's failure to join all indispensable parties.

FOURTEENTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

14. As a separate defense, the Complaint is barred by the applicable statute of limitations.

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FIFTEENTH AFFIRMATIVE DEFENSE
(Government Tort Claims Act)

15. As a separate defense, the Complaint is barred for Plaintiff's failure to comply with the California Government Claims Act, codified at California Government Code §§ 900, *et seq.*

Defendants cannot fully anticipate all affirmative defenses that may be applicable to this action based upon the conclusory terms used in the Complaint. Accordingly, Defendants expressly reserve the right to assert additional affirmative defenses if and to the extent that such affirmative defenses become applicable.

PRAYER

WHEREFORE, Defendants requests the following relief:

1. That Plaintiff's Complaint be dismissed in its entirety without leave to amend and that Plaintiff take nothing by way of the Complaint;

2. That Defendants be henceforth dismissed from this matter with prejudice;

3. That judgment be entered in favor of Defendants and against Plaintiff,

4. That Defendants be awarded attorney's fees and costs of suit incurred under and by virtue of the laws stated above; and

5. For such other and further relief as the Court deems just and proper.

Dated: August 25, 2025 ANGELO, KILDAY & KILDUFF, LLP

/s/ *Kevin J. Dehoff*

By:

KEVIN J. DEHOFF

Attorneys for Defendants DEPUTY STANISLAV SEMENUK and DEPUTY DUSTIN KIMBALL